HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.2877 of 2006 (O&M)
DATE OF DECISION: 15.12.2009

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Davinder Singh Mastana . . . . Petitioner

VS.

Kanwar Varinder Singh Sandhar . . . . Respondent

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CORAM : HON'BLE MR.JUSTICE SURYA KANT

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Present: Mr. Arun Bakshi, Advocate for the petitioner

Mr. APS Shergill, Advocate for the respondent

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SURYA KANT J.(ORAL)

(1). This revision petition is directed by the tenant against the eviction order dated 28th February, 2006 passed by the Rent Controller, Jalandhar, under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Act') in respect of a residential house No.618/L, Model Town, Jalandhar, on an application moved by respondent/NRI-landlord.

(2). The respondent-landlord sought eviction of the petitioner, *inter alia*, on the grounds (i) that he is a NRI of Indian origin; (ii) he is owner of the demised premises for a period of over five years; (iii) and wants to return to India and settle down permanently for which he requires the demised premises.

(3). The solitary contention raised on behalf of the petitioner-tenant was that the respondent-landlord can seek eviction only in respect of one tenanted premises under Section 13-B of the Act as every tenancy constitutes a separate 'building'.

(4). At the outset, it may be noticed that this revision petition was kept pending and *ad interim* stay against dispossession was granted by this Court to await the decision of Hon'ble Supreme Court in a bunch of matters arising from the eviction petitions under Section 13-B of the Act, where the tenants have been urging that each tenancy shall constitute a 'separate building' for the purposes of Act, and a NRI-landlord is not entitled to institute more than one eviction petition under Section 13-B of the Act. It is the conceded position that the above referred matters came up for hearing before the Apex Court along with ***Civil Appeal No.785 of 2008*** titled as ***Ved Parkash Gupta through LRs and Ranbir Singh Sahota and another*** and have been dismissed on November 12, 2009.

(5). Notwithstanding the above orders, learned counsel for the parties have been heard and the impugned order perused. It could not be disputed that the petitioners are also occupying a portion of the same 'building' in respect of which the respondent had successfully filed an eviction petition under Section 13-B of the Act.

(6). For the reason afore-stated, no interference with the impugned order dated 28.02.2006 is called for by this Court in the exercise of its revisional jurisdiction.

(7). Dismissed.

(8). However, with a view to enable the petitioner-tenants to make alternative arrangement; they are permitted to retain the possession of the demised premises till 28.02.2010 subject to payment of entire arrears of rent, if any, and monthly rent on or before 10th day of every calendar month.

(9). Dasti.

(SURYA KANT)
JUDGE

15.12.2009
vishal shonkar